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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION
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11 LYNN GAVIN AND DOES 1-10,

No. C 12-05864 RS

12 Plaintiffs,

ORDER DISMISSING CASE

13 v.

14 PARK MERCED INVESTORS
15 PROPERTIES LLC, et al.,

16 Defendants.
17 _____/

18 On March 26, 2013, claims against the SFHA, its employees, and the SFMTA were
19 dismissed without leave to amend. Plaintiff was directed to show cause within thirty days why the
20 claims pending against defendants who had been served but who had not yet appeared in the case
21 should not be dismissed also. Plaintiff responded to that request by stating that dismissing claims
22 against those defendants “may exceed the court’s jurisdiction.” In support of that contention,
23 plaintiff cites to various unrelated sections within the California Civil Code and California Code of
24 Civil Procedure, as well as seemingly random California court opinions.
25 Plaintiff applied for, and was granted, status to proceed *in forma pauperis* under 28 U.S.C. § 1915.
26 Under the terms of that statute, “the court shall dismiss the case at any time if the court determines
27 that – [...] (B) the action or appeal – (i) is frivolous or malicious; (ii) fails to state a claim on which
28 relief may be granted.” 28 U.S.C. § 1915(e)(2).

1 While a document filed “*pro se* is to be liberally construed” *Erickson v. Pardus*, 551 U.S.
2 89, 94 (2007), courts may not “supply essential elements of claims that were not initially pled.”
3 *Ivey v. Bd. of Regents of the Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982). A plaintiff must
4 “allege with at least some degree of particularity overt acts which defendants engaged in that
5 support the plaintiff’s claim.” *Jones v. Cmty. Redevelopment Agency of City of Los Angeles*, 733
6 F.2d 646, 649 (9th Cir. 1984) (internal citations omitted). Plaintiff has not done so here. She has
7 not connected any of the named defendants to a legal violation for which she is entitled to relief. As
8 previously stated, while sympathetic to plaintiff’s circumstances, this Court lacks authority to
9 authorize whatever relief it is that plaintiff seeks. As plaintiff has failed to demonstrate the ability to
10 amend her pleadings in such a way as to show she is entitled to legal relief, granting leave to amend
11 would be futile.

12 Accordingly, plaintiff’s claims against Parkmerced Investors, LLC, and the U.S. Department
13 of Housing and Urban Development must be dismissed without leave to amend. The Clerk is
14 instructed to close this case file.

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16 IT IS SO ORDERED.

17 Dated: 4/26/13



18 RICHARD SEEBORG
19 UNITED STATES DISTRICT JUDGE
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